



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,926	04/15/2004	Ty O. Ahmad-Taylor	CCCI 0130 PUS	9035
50764 7590 05/01/2008 BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075				
EXAMINER				
PENG, FRED H				
ART UNIT		PAPER NUMBER		
2623				
MAIL DATE		DELIVERY MODE		
05/01/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/825,926

**Applicant(s)**

AHMAD-TAYLOR, TY O.

**Examiner**

FRED PENG

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2, 7-14, 20, 24-36 and 39-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2, 7-14, 20, 24-36 and 39-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

No comments from the applicant.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 20, 24, 36, 39, 41, 45, 47, 51 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Alexander et al (US 6,177,931 B1).

Regarding Claim 20, Alexander further discloses the window displays only one program title from the grid (FIG. 1, 36).

Regarding Claim 24, Alexander further discloses displaying an auxiliary menu in the window, the auxiliary menu including a menu of options for the selected cell (FIG. 1, elements 18, 20).

Regarding Claim 36, Alexander further discloses relating the advertisement to the highlighted cell (Col 18 lines 1-6).

Regarding Claim 39, Alexander discloses an electronic programming guide (FIG. 1) comprising: a celled grid having a first data set on a vertical axis and a second data set on a horizontal axis (22), wherein cells at an intersection of the first data set and the second data set display an available program title (36); and

Art Unit: 2623

a window (18, 24, 20; a window that logically group function buttons, 18, 20, and information status 24 together) displaying information (24) concerning a program title of a highlighted cell (36), the window located such that there are no non-highlighted cells between the highlighted cell and the window (no non-highlighted cells, cells defined as ones with program titles, between highlighted cell 36 and window, 18, 24 and 20).

Regarding Claims 41, 45, 47, 51 and 52, Alexander discloses an electronic programming guide (FIG.1) comprising: a celled grid having a first data set on a vertical axis and a second data set on a horizontal axis (22), wherein cells at an intersection of the first data set and the second data set display a title for available content (36).

Alexander further effectively discloses a formation of a equivalent window that includes auxiliary menu bars 18, 20, highlighted cell information display area 24 (re-displaying the program title Prime Time Live), time grid information and the highlighted cell 36 (Prime Time Live) when first entering the program guide (Col 3 lines 56-58) having a perimeter where a portion of the perimeter is outside the grid (top side of 18) and another portion of the perimeter extends to a limited portion of the grid that includes but does not extend beyond a boundary defined by a highlighted cell (highlighted cell 36 logically formed as part of the window when first entering the guide), an associated element of the first data set and an associated element of the second data set.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2623

4. Claims 25-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al (US 6,177,931 B1).

Regarding Claim 25, Alexander discloses actuating an auxiliary menu button to cause the auxiliary menu to pop-out from the window (FIG.6, select schedule button the Remove and Change buttons pop-out) but not specifically about through a portion of the portion of the perimeter of the window located outside the grid.

Pop-out menu or drop-down menu in graphical user interface to extend more functions is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include pop-out menu through a portion of the portion of the perimeter of the window located outside the grid to extend more functionalities while maintaining the integrity of the program guide.

Regarding Claim 26, Alexander is silent about BACK button to close the auxiliary menu.

Back button to close the pop-out menu and back to previous main menu is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include Back button to close the pop-out menu and back to previous main menu to as an intuitive and convenient way to exit.

Regarding Claim 27, Alexander further discloses one of the auxiliary menu buttons is a Record button to record the program in the selected cell (FIG.1, 46).

Regarding Claim 28, Alexander is silent about On-Demand button.

Video-On-Demand is well known in the art to provide premium video service from a cable operator.

Art Unit: 2623

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include On-Demand button on the program guide to provide optional premium service.

Regarding Claim 29, Alexander further discloses a RECORD ALL PROGRAMS button to automatically record all occurrences of programs relating to the selected cell (FIG.6, the schedule button automatically record all occurrences of programs relating to the selected cell).

Regarding Claim 30, Alexander further discloses the RECORD ALL PROGRAMS button records occurrences of the selected program even if the occurrence is at a different time and channel than the selected cell (FIG.6, scheduled recording at different time and different channel).

Regarding Claim 31, Alexander further discloses one of the auxiliary menu buttons is a Go To SHOW button to tune to the program in the selected cell (FIG.1, element 44; Watch button is to tune to the selected program).

Regarding Claim 32, Alexander is silent about a REMINDER button to set a reminder notification for the program in the selected cell.

Reminder button is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a reminder notification for the program in the selected cell to provide a more convenient and friendlier user interface.

Regarding Claim 33, Alexander further discloses one of the auxiliary menu buttons is a MORE INFO button to display more information regarding the program in the selected cell (FIG.1, 36; the cursor is the More Info button, when cell is selected, more information is displayed in the upper window 24).

Regarding Claim 34, Alexander further discloses LOCK button to limit access to a program corresponding to the selected cell (FIG.4A, LOCK button on the top).

Regarding Claim 35, Alexander further discloses displaying the auxiliary menu includes displaying the auxiliary menu at the same time as the program title and program information (FIG.6, Remove and Change menu at the same time as Walker, Texas Ranger program).

5. Claims 40, 42-44, 48-50, 54 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al (US 6,177,931 B1) in view of Lajoie et al (US 2005/0015804).

Regarding Claims 40, 42-43, 48, 50, 54 and 55, Alexander effectively discloses a formation of an equivalent window is positioned at a fixed location within the EPG (FIG.1) but fails to teach requiring other titles to be scrolled to the fixed location of the window in order to display associated information.

In an analogous art, Lajoie discloses other titles to be scrolled vertically or horizontally to the fixed location of the window to display associated information, such that titles associated with the first data set move into an adjacent row when scrolling vertically and titles associated with the second data set move into an adjacent column when scrolling horizontally (FIG. 16, element 394; scrolled title move into focus window vertically or horizontally).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Alexander's system to include other titles to be scrolled vertically or horizontally to the fixed location of the window to display associated information to provide a focal point for navigation.

Art Unit: 2623

Regarding Claims 44 and 49, Lajoie discloses scrolling titles through a cell, focus area, suggesting lettering traverses in a step-wise manner across perimeter of the cell and appear with consecutive letters in order to read.

6. Claims 2, 7-14, 46 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al (US 6,177,931 B1) in view of Perdon (US 2003/0106057).

Regarding Claim 2, Perdon further discloses magnifying the highlighted cell (Para 34 lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Alexander's method to include magnifying the highlighted cell, as taught by Perdon to provide a better viewing experience.

Regarding Claim 7, Perdon further discloses fixing a position of the window and scrolling the program title of a next cell into the window (FIG.3, Display 103 navigate left into Display 104, next cell Ch 35 program is scrolled into highlighted cell window).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Alexander's method to include fixing a position of the window and scrolling the program title of a next cell into the window, as taught by Perdon to provide a focal point for navigation.

Regarding Claim 8, Alexander further discloses the scrolling includes selecting a navigation button in the EPG (FIG.1, elements 20, 36; the arrow and the cursor on the cell is the navigation button).

Regarding Claim 9, Alexander further discloses the scrolling includes actuating navigation buttons provided on a remote control (FIG.2).



Regarding Claim 10, Alexander further discloses displaying an auxiliary menu in the window, the auxiliary menu including a menu of options for the selected cell (FIG.1, elements 18, 20).

Regarding Claim 11, Alexander further discloses displaying the auxiliary menu includes actuating an auxiliary menu button to cause the auxiliary menu to pop-out from the window (FIG.6, select schedule button the Remove and Change buttons pop-out).

Regarding Claim 12, Alexander further discloses displaying the auxiliary menu includes displaying the auxiliary menu at the same time as the program title and program information (FIG.6), Remove and Change menu at the same time as Walker, Texas Ranger program).

Regarding Claims 13 and 14, Alexander further discloses displaying an advertisement and the advertisement relating to the highlighted cell (FIG.1, element 14, 16; Col 18 lines 1-6).

Regarding Claims 46 and 53, Alexander is silent about coloring the area of the window to standout relative to the rest of the EPG.

In an analogous art, Perdon discloses color an area to indicate a selection (Para 34 lines 1-4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Alexander's system to include coloring an area to easily identify the area to navigate

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2623

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED PENG whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 09:00-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred Peng  
Patent examiner

Vivek Srivastava  
Supervisory Patent Examiner

/Vivek Srivastava/

Supervisory Patent Examiner, Art Unit 2623